

REMARKS**Summary of the Office Action**

Claims 1 and 3-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bezama (U.S. Patent No. 5,870,823) (hereinafter “Bezama”) and Juhala (U.S. Patent No. 5,764,675) (hereinafter “Juhala”).

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bezama and Juhala as applied to claim 1 above, and further in view of Calaman (U.S. Patent No. 6,397,932) (hereinafter “Calaman”).

Summary of the Response to the Office Action

Applicants have amended claim 1 to differently describe embodiments of the disclosure of the instant application’s specification. Accordingly, claims 1-5 remain currently pending for consideration.

Rejection under 35 U.S.C. § 103(a)

Claims 1 and 3-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bezama and Juhala. Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bezama and Juhala as applied to claim 1 above, and further in view of Calaman. Applicants have amended claim 1 to differently describe embodiments of the disclosure of the instant application’s specification. To the extent that these rejections might be deemed to apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Applicants respectfully submit that in the semiconductor light emitting device of the present invention, as described, for example, in newly-amended independent claim 1 of the instant application, an advantageous combination of features are described including: (1) the first conductive member and the second conductive member have an equal potential to the conductive portion of the cooling water passage; (2) the heat sink includes a first heat sink provided between the light emitting element array and the first electrode and a second heat sink provided between the light emitting element array and the second electrode; and (3) the cooling water passage includes a first passage part provided in the first heat sink and placed between the light emitting element array and the first electrode, and a second passage part provided in the second heat sink and placed between the light emitting element array and the second electrode.

Applicants respectfully submit that at least these features of the present invention, as described in the advantageous combination of features described in newly-amended independent claim 1 of the instant application, are neither disclosed nor suggested in Bezama and Juhala.

Applicants have attached a marked-up copy of Fig. 4 of the instant application, attached to the instant Amendment document as Exhibit A. This Exhibit A is not intended to be a drawing amendment in the instant application. Instead, Applicants provide this marked up drawing for the convenience of the Examiner and merely for the Examiner's reference with regard to the concurrently-filed remarks.

Applicants respectfully submit that in Bezama, it is not disclosed that the heat sink includes the first heat sink and the second heat sink provided for the light emitting element array as described previously in these remarks. In addition, Applicants respectfully submit that the

cooling water passage including the first and second passage parts provided between the light emitting element array and the first and second electrodes is not disclosed.

Even further, Applicants respectfully submit that as for Juhala, the Examiner stated in the Office Action that in Juhala water cooling through conducting cooling water passages (Fig. 9 item 2) is used. However, Applicants respectfully submit that the cooling water passage disclosed in Fig. 9 of Juhala is provided under the heat exchanger finned lid 4. On the other hand, the diode units 26 are provided above the lid 4. Accordingly, Applicants respectfully submit that the cooling water passage including the first and second passage parts provided between the light emitting element array and the first and second electrodes is not disclosed in Juhala.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because neither of Bezama nor Juhala, whether taken singly or combined, teach or suggest each feature of independent claim 1, as newly-amended. MPEP § 2143.03 instructs that “[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974).” Furthermore, Applicants respectfully assert that dependent claims 3-5 are allowable at least because of their dependence from claim 1, and the reasons set forth above. Also, the additionally-applied reference to Calaman, with regard to claim 2, fails to cure the deficiencies of Bezama and Juhala, as previously described.

CONCLUSION

In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of all pending claims are earnestly solicited. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BIDDLE & REATH LLP



By:

Paul A. Fournier
Reg. No. 41,023

Dated: April 24, 2008

Customer No. 055694

DRINKER BIDDLE & REATH LLP

1500 K Street, N.W., Suite 1100
Washington, DC 20005-1209

Tel.: (202) 842-8800

Fax: (202) 842-8465